

CASE

NUMBER:

99-407

HISTORY INDEX FOR CASE: 1999-407UAC AS OF : 10/06/00

KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

Construct

CELL SITE - 6375 WADES MILL ROAD - WINCHESTER

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION INC.
AND KENTUCKY CHSA, INC. FOR ISSUANCE OF A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS
COMMUNICATIONS FACILITY AT 6375 WADES MILL ROAD, WINCHESTER,
KY 40391

IN THE WIRELESS COMMUNICATIONS LICENSE AREA

IN THE COMMONWEALTH OF KENTUCKY

IN THE COUNTY OF CLARK

SITE NAME: STONER CREEK

SEQ NBR	ENTRY DATE	REMARKS
0001	10/08/1999	Application.
0002	10/13/1999	Acknowledgement letter.
M0001	10/28/1999	GAIL BALL CITIZEN-REQUEST FOR INTERVENTION & TO REVIEW CASE FILE
0003	11/01/1999	Letter to Lloyd McCarthy on 10/28 re Gail Wells-Balls'/intervene.
0004	11/01/1999	No deficiencies letter
M0002	11/02/1999	TIM BANKES CITIZEN-REQUEST FOR INTERVENTION
0005	11/05/1999	Copy of Tim Bankes' letter to Richard Guittar et. al. applicants re: cell site.
0006	11/09/1999	Order granting motions to intervene & scheduling hearing on 2/9/2000.
M0003	11/15/1999	JAMES & JUDY THOMAS CITIZEN-REQUEST FOR INTERVENTION
M0004	11/15/1999	ROBERT BLANTON CITY OF WINCHESTER-NOTIFICATION OF CELL SITE LOCATION
0007	11/16/1999	Order granting motion of the Thomases to intervene.
0008	11/19/1999	Letter to Robert Blanton City of Winchester re: Wells Rd. address for tower site
0010	11/19/1999	Letter to parties of record re: James R. and Judy Thomas' motion to intervene.
0009	11/22/1999	Letter to parties of record re: Warren County Planning Commission's meeting.
M0005	11/22/1999	BANKS, THOMAS, BALL-LETTER THANKING US FOR INTERVENTION
M0006	12/30/1999	DAVID PIKE CROWN COMMUNICATION-NOTICE OF AMENDMENT
M0007	12/30/1999	DAVID PIKE CROWN COMMUNICATION-COMPLIANCE WITH ORDER ENTERED 11/9/99
M0008	02/07/2000	CROWN COMMUNICATIONS DAVID PIKE-NOTICE OF SECOND AMENDMENT OF APPLICATION FAA & KAZC APPRO
M0009	02/23/2000	COURT REPORTER VIVIAN LEWIS-TRANSCRIPT FILED FOR HEARING ON FEB 9,00
0011	03/10/2000	Final Order granting a Certificate to construct a wireless facility.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-407 UAC
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 10, 2000.

See attached parties of record.


Secretary of the Commission

SB/hv
Enclosure

Lloyd D. McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway
Suite 330
Louisville, KY. 40299

Mr. James & Judy R. Thomas
315 Wells Road
Mt. Sterling, KY. 40353

Richard Guittar
1650 Lyndon Farms Court
Louisville, KY. 40223

Honorable Sam G. McNamara
Counsel for Westel-Milwaukee Company
McNamara & Jones
315 High Street
P. O. Box 916
Frankfort, KY. 40602

Honorable David A. Pike
Counsel for Crown Communication Inc.
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA. 30309

Ms. Gail Wells-Ball
295 Wells Road
Mt. Sterling, KY. 40353

Mr. Tim Bankes
575 Wells Road
Mt. Sterling, KY. 40353

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)
INC. AND KENTUCKY CGSA, INC. FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT 6375 WADES)
MILL ROAD, WINCHESTER, KY 40391 IN THE)
WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY IN THE)
COUNTY OF CLARK)
SITE NAME: STONER CREEK)
SITE NUMBER: KY259)

CASE NO.
99-407-UAC

O R D E R

On October 8, 1999, Crown Communication Inc. ("Crown") and Kentucky CGSA, Inc. d/b/a BellSouth Mobility, Inc. (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility.¹ The proposed facility is to be located at 6375 Wades Mill Road, Winchester, Clark County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 3' 12.01" by West Longitude 84° 3' 45.2".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

¹ On December 22, 1999, the Applicants amended the application to reflect a lower structure height than originally proposed.

recognized building standards, and the plans have been certified by a Licensed Professional Engineer.

Pursuant to KRS 100.987, the Applicants have submitted the uniform application to the local planning unit for review. No decision of the local planning unit having been filed with this Commission, it is presumed that the local planning unit approved the proposed construction. KRS 100.987(4)(c). The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received several letters protesting the proposed construction and three parties requested and were granted intervention. A public hearing was held on February 9, 2000 at the Commission's offices in Frankfort. No parties opposing the proposed construction attended the hearing and the matter was submitted to the Commission for a decision.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the

Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The facility is to be located at 6375 Wades Mill Road, Winchester, Clark County, Kentucky. The coordinates for the facility are North Latitude 38° 3' 12.01" by West Longitude 84° 3' 45.2".

2. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 10th day of March, 2000.

By the Commission

ATTEST:


Executive Director

18 Nov 99

RECEIVED
NOV 22 1999
PUBLIC SERVICE
COMMISSION

Helen Helton
Executive Director's Office
Public Service Commission
PO Box 615
Frankfort, KY 40602

Dear Ms. Helton,

On behalf of Mr. Tim Bankes, Mr & Mrs. Russell Thomas, and myself, I would like to address your Commission's Order dated 9 Nov 99, regarding Case No. 99-407-UAC.

We appreciate your giving us an opportunity to attend the hearing on 9 Feb 2000 and plan to attend. We are still very interested in obtaining permission to review the confidential part of the file (application, etc.) to develop our case but have not yet received permission.

We have met with our local planning and zoning officer who realized the necessity to protect a landowner from communication towers invading personal privacy, general health and well-being, and devaluing property. He is invoking legislation to protect a property owner's "space" by requiring "x" number of feet from a landowner's property for each foot of the tower; however, this legislation is not in place at this time but represents the position this office will take for future tower installations.

On 15 Nov 99, the Thomases and myself met with Crown Castle representatives, Ron and Ray Corley, to discuss the tower site and our opposition to the proposed location. Unfortunately, they were not prepared to provide any information on why that site was selected or if any other site had been considered during the site survey. However, we did request them to consider relocating the tower at another entrance to Mr. White's farm, which would provide their company with equal benefits (road and height). We also provided him names, addresses, and telephone numbers of landowners in the same area who were interested in placing the tower on their land (see enclosed list).

We also referred to the opposition stated in the letter from the Mt. Sterling Montgomery County Airport, which was forwarded to the FAA, Atlanta, GA, for review and action (copy enclosed), and asked if they could lower the tower. The representatives did not think this would be considered.

The meeting adjourned with the Crown Castle representatives promising to notify us when they reviewed the file (in a couple of days) to further discuss the tower and provide us

with the technical requirements used in site selection; in addition to gaining us access to the file. We have not heard from them to date.

Thank you for granting us the motion to intervene and we will look forward to the February 9th hearing.

Sincerely,

Bill Wells-Ball

J. R. Thomas

Jim Bankes

Judy A. Thomas

CF:

Lloyd D. McCarthy, Crown Communication, Inc., 11001 Bluegrass Parkway, Suite 330,
Louisville, KY 40299

Richard Guittar, 1650 Lyndon Farms Court, Louisville, KY 40223

Honorable Sam G. McNamara, Counsel for Westel-Milwaukee Company, McNamara &
Jones, 315 High Street, P O Box 916, Frankfort, KY 4-0602

Honorable David A. Pike, Counsel for Crown Communication, Inc.. Pike Legal Group,
200 S. Buckman Street, PO Box 369, Shepherdsville, KY 40165-0369

Steve Skinner, Manager of External Affairs, KY CGSA, Inc, dba Bellsouth, Mobility,
Westel-Milwaukee, BSCC of IN, 1100 Peachtree Street, Rm 809, Atlanta, GA 30309

ALTERNATE SITES FOR LOCATING TOWER

18 Nov 99

The following landowners are interested in discussing the erection of the tower on their property, which is near the interstate and within a two-mile radius of the proposed location, 6375 Wades Mill Road, Mt. Sterling (NOT WINCHESTER 40353):

Darvin Jackson
2050 Wades Mill Road
Mt. Sterling, KY 40353
Tel #606-744-0040

John Coburn
Mt. Sterling Road
Mt. Sterling, KY 40353
Office 703-617-9625
Home 703-781-0768

Ronald Fraser
1489 Cabin Creek Road
Winchester, KY 40391
Tel #606-745-1556

Paul Rogers
1869 Cabin Creek Road
Winchester, KY 40391
Tel #606-744-0733

10-25-99

Mt. Sterling Montgomery Co. Airport Board
709 Airport Road
Mt. Sterling, KY 40353
(606)498-1000

The Mt. Sterling Montgomery Co airport board would like to object to the Aeronautical Study No: AS-087-IOB-99-182

The propose antenna will exceed 602KAR50:070 and adversely affect the VFR and IFR operations at the Mt. Sterling Montgomery Co. Airport. The proposed tower will raise the Minimum Vectoring Altitude and the Minimum safe altitude between the Lexington VOR and the Mt. Sterling airport, making it harder for VFR and IFR traffic to land when the weather is IFR or marginal VFR. Futhermore the Mt. Sterling Airport is getting the VOR (a) approach reinstated which is on the 78 degree radial off the Lexington VOR which this tower is right in line with. This proposed Tower will not allow this approach.

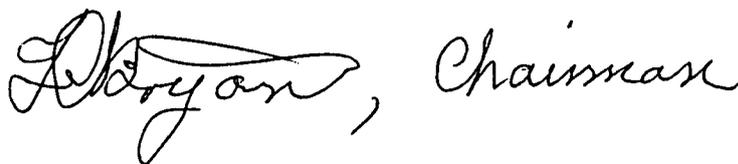
We respectfully request the tower to be lowered 120 feet or moved futher away from the airport as not to interfere with the airport operations at the Mt. Sterling Montgomery Co. Airport.

If you have any questions or need more information please contact us at 606-498-1000.

Sincerely,



Daniel R. Hill
Airport Manager/Board Member



Chairman



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

November 19, 1999

To: All Parties of Record

RE: Case Number 99-407 UAC

I have enclosed a copy of intent to intervene by James R. and Judy Thomas.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara
The Honorable David A. Pike
Steve Skinner

Enclosure





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
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FRANKFORT, KENTUCKY 40602
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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

November 19, 1999

To: All Parties of Record

RE: Case Number 99-407 UAC

I have enclosed a copy of the minutes from the City-County Planning Commission of Warren County's November 4th meeting for your information.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara
The Honorable David A. Pike
Steve Skinner

Enclosure





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

November 19, 1999

Mr. Robert G. Blanton
Planning Director
City of Winchester
P.O. Box 40
Winchester, KY 40392-0040

Re: Case No. 99-407 UAC

Dear Mr. Blanton:

The Commission is in receipt of your letter regarding the possibility of a Wells Rd. address for the tower site.

Your letter will be added to the main case file.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/lc





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

November 16, 1999

To: All parties of record

RE: Case No. 99-407 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Lloyd D. McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway
Suite 330
Louisville, KY 40299

Mr. James R. Thomas
Ms. Judy Thomas
315 Wells Road
Mt. Sterling, KY 40353

Richard Guittar
1650 Lyndon Farms Court
Louisville, KY 40223

Honorable Sam G. McNamara
Counsel for Westel-Milwaukee Company
McNamara & Jones
315 High Street
P. O. Box 916
Frankfort, KY 40602

Honorable David A. Pike
Counsel for Crown Communication Inc.
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville, KY 40165 0369

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA 30309

Ms. Gail Wells-Ball
295 Wells Road
Mt. Sterling, KY 40353

Mr. Tim Bankes
575 Wells Road
Mt. Sterling, KY 40353

315 Wells Rd.
Mt. Sterling, Ky. 40353

Ms. Helen Helton
Executive Director's Office
Public Service Commission
P.O. Box 615
Frankfort, Ky. 40602

November 1, 99.

NOV 15 1999

RE: Case No: 99-40724AE

Public Service Commission

Dear Ms. Helton:

I am sure by now you have received numerous letters opposing & requesting their right to intervene, on the construction of the Communications Tower on Wells Rd. Mt. Sterling, Ky. 40353. We also, like our neighbors are upset & very much opposed to this 400 ft. Communications Tower directly behind my house. We own about 6.5 acres.

The land directly behind us is owned by Terry White. He owns 100 acres. Since this is the site that Crown Communications has selected to put this unsightly thing - then why can't this tower be re-located? Considering Mr. White owns 100 acres, more land than any one else on Wells Rd. plus - he will be the one to reap the benefits of this decision. With that much property, surely Mr. White & Crown Castle Communications could pick another site, instead of at every one here's back door!

Nobody on this Road was even asked about a Communication's Tower. We would like to request the right to intervene. We have chose to make our homes here. Our opinions and rights should also count. We feel that this violates our rights as Homeowners. About our land & Community.

There are 5 communication's Towers in this area already. Is this not sufficient? Not Making enough money? Sure thing!

At this time I would like to ask for an extension, because we didn't receive notice from Crown Castle Communications International until Oct. 21, 99, (postmarked Oct 21, 99.) We also would like to request to be notified and be present for the Public Hearing in Frankfort, KY; February 2000. on this issue

If constructed at this site on Wells Rd. Mt. Sterling, KY. 40353 will cause all of our properties to De-value now & in the future. Do you think this sounds good for the Real-Estate or Construction of New Homes in this area? That is not right for the community. The Tower also if erected at this site is in the direct flight path of the Mt. Sterling Airport (located a few miles away.) It is also called Tornado Alley in this particular area.

If I thought about, I'm most positive that this Tower could be re-located. We are currently in the process of requesting permission to review the Crown Castle Case File and we would appreciate to be included in on any information correspondence to your review of our request. You may contact us at 606 744-1291.

Thank-You for your consideration and cooperation in this matter.

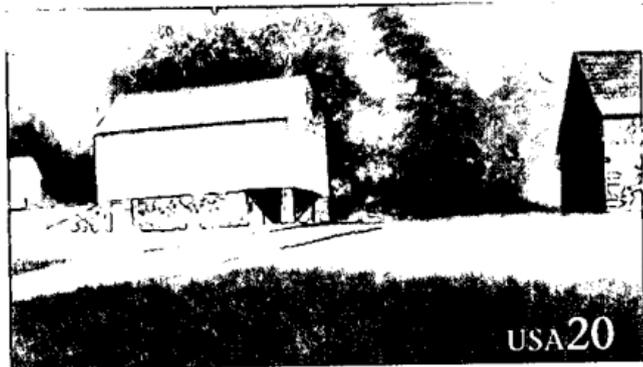
Sincerely,

James R. & Judy Thomas
315 Wells Rd
Mt. Sterling, KY. 40353

The American Church
Camp Retreat
12y. Home/Sp. on Horseway Lee

P.O. Box 331

Burgin, Ky 40310
Frankfort, Ky.
Frankfort, Ky.
Frank Co.



Ky. Public Service Commission

P.O. Box 615

Frankfort, Ky. 406

Complaint
of

Ms. Sm: 44 / Ms. Bee

RECEIVED
MAR 1 2000
PUBLIC SERVICE
COMMISSION

C.N. 99-407

R3. Huddleston vs Wallace Wags, H20 Co.

Sheet
Opfile

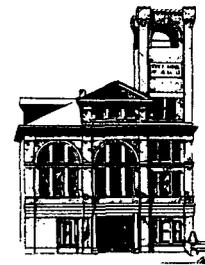
Request for hearing Date of hearing
Trial dates

In 1958, Mike Ruggell manager
changed the meter for my loft great
property from his own in electric. To
problem that ever existed in space
I never accept lease conditions at
the meter easily covered. The meter
readings was always with 10 gallons or
50 gallons less. I remember I request
the change according to the present
needs.

This month 21 2000 hour change for
600 gallons when I had no water use
the property 2 weeks from their brother
Mick Mick and son - fund raising
nothing appears that the change
was made before restoring advice.

They have clearly shown their intentions
and intention of change for water not
used for the property, but lost from their
refuse to repair and then again fault
readings to get money they are let the
I am paying meter to get buy H2O at rate
in order to maintain the property.

City of Winchester



Planning & Community Development

Established 1793

November 11, 1999

Executive Director's Office
Public Service Commission of Kentucky
PO Box 615
Frankfort, KY 40602

Re: Case No.: 99-407 UAC
Site No : KY 259

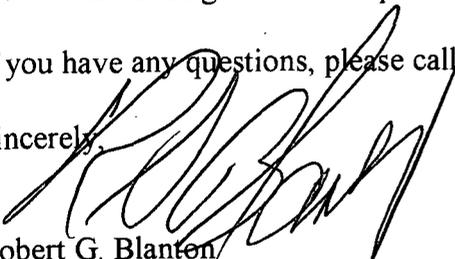
RECEIVED
NOV 15 1999
PUBLIC SERVICE
COMMISSION

Dear Sir or Madam:

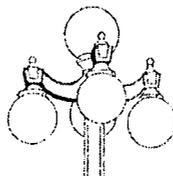
With regards to the above referenced application, please be advised that if the proposal is approved an address that more appropriately describes the physical location of the tower will be assigned. I anticipate a Wells Rd. address.

If you have any questions, please call me at 744-7019.

Sincerely,


Robert G. Blanton
Planning Director

RGB/dg



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION INC.)	
AND KENTUCKY CHSA, INC. FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY AT 6375 WADES MILL)	99-407-UAC
ROAD, WINCHESTER, KY 40391)	
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)	
IN THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF CLARK)	
SITE NAME: STONER CREEK)	

O R D E R

On November 9, 1999, the Commission entered its Order in this case setting a procedural schedule which includes a hearing on February 9, 2000. The Order setting the procedural schedule also states, among other things, that the hearing will be cancelled unless the Commission receives a written statement from an intervenor that he will appear at the hearing in opposition to the proposed construction by November 19, 1999.

On November 15, 1999, two additional neighbors of the proposed construction site, James R. and Judy Thomas (the "Thomases"), filed a motion to intervene in this case. The Commission finds that the requested intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter. Accordingly, the motion of the Thomases to intervene should be granted. In order to avoid disrupting these proceedings, the Thomases shall take the proceedings as they find them and shall comply with all procedural deadlines prescribed in the November 9

Order, a copy of which is attached, with a single modification: the hearing in this case shall not be cancelled if the Commission has received a statement of intent to appear at the hearing in opposition to the proposed construction by November 22, 1999. If no such statement has been filed by that date, the hearing will be cancelled and the matter submitted to the Commission on the written record.

The Commission having been sufficiently advised,

IT IS HEREBY ORDERED that:

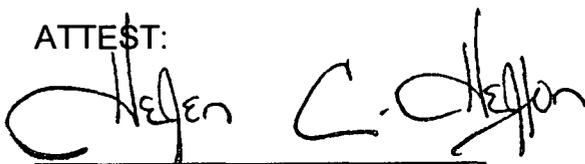
1. The motion of the Thomases to intervene is granted.
2. The Thomases shall be entitled to the full rights of parties and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this order.
3. Should the Thomases file documents of any kind with the Commission in the course of these proceedings, he or she shall also serve a copy of said documents on all other parties of record.
4. If an Intervenor does not file a statement of intent to appear in opposition to the proposed wireless telecommunications facility prior to November 22, 1999, the hearing scheduled for February 9, 2000 in this matter shall be cancelled and the matter submitted to the Commission on the existing record without further Orders herein.
5. Ordering Paragraph 5 of the Order dated November 9, 1999, in this matter is hereby modified as reflected in Ordering Paragraph 4 of this Order.

6. The Thomases shall comply with all procedural requirements prescribed by the Commission's Order of November 9, 1999, a copy of which is attached hereto, except as specifically modified herein.

Done at Frankfort, Kentucky, this 16th day of November, 1999.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Cheryl C. Coffey". The signature is written in a cursive style with a large initial "C".

Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

NOV 10 1999

GENERAL COUNSEL

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION INC.)
AND KENTUCKY CGSA, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT 6375 WADES)
MILL ROAD, WINCHESTER, KY 40391)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF CLARK)
SITE NAME: STONER CREEK)

CASE NO.
99-407-UAC

ORDER

On October 8, 1999, Crown Communication Inc. and Kentucky CGSA, Inc., d/b/a BellSouth Mobility Inc. (collectively, the "Applicants") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 6375 Wades Mill Road, Winchester, Clark County, Kentucky. Ms. Gail Wells-Ball and Mr. Tim Bankes, neighboring property owners, have filed motions to intervene in this matter. The Commission finds that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, the motions of Ms. Wells-Ball and Mr. Bankes (collectively, the "Intervenors") to intervene should be granted.

In addition, the Commission, on its own motion, has scheduled a hearing on the proposed wireless telecommunications facility for February 9, 2000, at 9:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort,

Kentucky. If an Intervenor wishes to appear at the hearing in opposition to the proposed facility he or she must, within 10 days of the date of this Order, so notify the Commission in writing, with a copy to all parties of record. If no statement of intent to appear at the hearing and to present evidence against the proposed facility is received by that date, the hearing will be cancelled and this matter submitted to the Commission for a decision based on the written record without further Orders herein.

The Intervenor is also put on notice that evidence regarding potential alternative sites for the proposed construction, if any, must be filed with the Commission, with a copy to all parties of record, no later than 30 days from the date of this Order. No intervenor may produce evidence regarding alternative sites at the hearing except in regard to specific sites filed of record as described in this Order.

If information regarding potential alternative sites is filed by an intervenor, the Applicants shall file their response to that information within 45 days from the date of this Order, including in such response a report of their review of the feasibility of the alternative sites presented by the intervenor.

As a final matter, Ms. Wells-Ball also requests an extension because she states that she received notice of the proposed construction on October 27. Presumably, the requested extension concerns the time in which a motion to intervene may be filed. Since Ms. Wells-Ball's motion to intervene is granted by this Order, the requested extension is moot.

IT IS THEREFORE ORDERED that:

1. The motions of Ms. Wells-Ball and Mr. Bankes to intervene are granted.
2. The Intervenors shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should an Intervenor file documents of any kind with the Commission in the course of these proceedings, he or she shall also serve a copy of said documents on all other parties of record.
4. A hearing on the proposed wireless telecommunications facility is scheduled for February 9, 2000, at 9:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
5. If an Intervenor does not file a statement of intent to appear in opposition to the proposed wireless telecommunications facility within 10 days of this Order, the hearing shall be cancelled and the matter submitted to the Commission on the existing record without further Orders herein.
6. Neither the Intervenors nor any person subsequently granted intervention herein may submit evidence regarding alternative sites for the proposed facility at the hearing in this matter except in regard to those specific sites for which information has been filed within 30 days of the date of this Order.
7. The Applicants shall respond in writing to a filing regarding potential alternative sites, if any, within 45 days of the date of this Order, and shall include in their response information concerning the availability and technical feasibility of such sites.

8. The Applicants shall appear at the hearing and shall be prepared to present testimony on the engineering design, location, and construction of the proposed facility, as well as the jurisdictional safety issues relating to the facility.

9. Neither opening statements nor witnesses' summaries of prefiled testimony shall be permitted at the hearing in this matter.

10. Any interested person shall have the opportunity to present testimony or comment on the proposed facility.

11. Prefiled testimony, if any, shall be filed within 60 days of the date of this Order.

12. Pursuant to KRS 100.324, a copy of this Order is being sent to the Clark County Planning Commission for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 9th day of November, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

November 9, 1999

To: All parties of record

RE: Case No. 99-407 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

Stephanie Bell
Stephanie Bell
Secretary of the Commission

SB/hv

Enclosure

cc: Clark County Planning Commission
P. O. Box 40
32 Wall Street
Winchester, KY 40392

Eloyd D. McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway
Suite 330
Louisville, KY 40299

Richard Guittar
1650 Lyndon Farms Court
Louisville, KY 40223

Honorable Sam G. McNamara
Counsel for Westel-Milwaukee Company
McNamara & Jones
315 High Street
P. O. Box 916
Frankfort, KY 40602

Honorable David A. Pike
Counsel for Crown Communication Inc.
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville, KY 40165 0369

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA 30309

Ms. Gail Wells-Ball
295 Wells Road
Mt. Sterling, KY 40353

Mr. Tim Bankes
575 Wells Road
Mt. Sterling, KY 40353

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION INC.)
AND KENTUCKY CGSA, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS) CASE NO.
COMMUNICATIONS FACILITY AT 6375 WADES) 99-407-UAC
MILL ROAD, WINCHESTER, KY 40391)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF CLARK)
SITE NAME: STONER CREEK)

O R D E R

On October 8, 1999, Crown Communication Inc. and Kentucky CGSA, Inc., d/b/a BellSouth Mobility Inc. (collectively, the "Applicants") filed an application with the Commission requesting a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility at 6375 Wades Mill Road, Winchester, Clark County, Kentucky. Ms. Gail Wells-Ball and Mr. Tim Bankes, neighboring property owners, have filed motions to intervene in this matter. The Commission finds that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Accordingly, the motions of Ms. Wells-Ball and Mr. Bankes (collectively, the "Intervenors") to intervene should be granted.

In addition, the Commission, on its own motion, has scheduled a hearing on the proposed wireless telecommunications facility for February 9, 2000, at 9:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort,

Kentucky. If an Intervenor wishes to appear at the hearing in opposition to the proposed facility he or she must, within 10 days of the date of this Order, so notify the Commission in writing, with a copy to all parties of record. If no statement of intent to appear at the hearing and to present evidence against the proposed facility is received by that date, the hearing will be cancelled and this matter submitted to the Commission for a decision based on the written record without further Orders herein.

The Intervenors are also put on notice that evidence regarding potential alternative sites for the proposed construction, if any, must be filed with the Commission, with a copy to all parties of record, no later than 30 days from the date of this Order. No intervenor may produce evidence regarding alternative sites at the hearing except in regard to specific sites filed of record as described in this Order.

If information regarding potential alternative sites is filed by an intervenor, the Applicants shall file their response to that information within 45 days from the date of this Order, including in such response a report of their review of the feasibility of the alternative sites presented by the intervenor.

As a final matter, Ms. Wells-Ball also requests an extension because she states that she received notice of the proposed construction on October 27. Presumably, the requested extension concerns the time in which a motion to intervene may be filed. Since Ms. Wells-Ball's motion to intervene is granted by this Order, the requested extension is moot.

IT IS THEREFORE ORDERED that:

1. The motions of Ms. Wells-Ball and Mr. Bankes to intervene are granted.
2. The Intervenors shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should an Intervenor file documents of any kind with the Commission in the course of these proceedings, he or she shall also serve a copy of said documents on all other parties of record.
4. A hearing on the proposed wireless telecommunications facility is scheduled for February 9, 2000, at 9:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
5. If an Intervenor does not file a statement of intent to appear in opposition to the proposed wireless telecommunications facility within 10 days of this Order, the hearing shall be cancelled and the matter submitted to the Commission on the existing record without further Orders herein.
6. Neither the Intervenors nor any person subsequently granted intervention herein may submit evidence regarding alternative sites for the proposed facility at the hearing in this matter except in regard to those specific sites for which information has been filed within 30 days of the date of this Order.
7. The Applicants shall respond in writing to a filing regarding potential alternative sites, if any, within 45 days of the date of this Order, and shall include in their response information concerning the availability and technical feasibility of such sites.

8. The Applicants shall appear at the hearing and shall be prepared to present testimony on the engineering design, location, and construction of the proposed facility, as well as the jurisdictional safety issues relating to the facility.

9. Neither opening statements nor witnesses' summaries of prefiled testimony shall be permitted at the hearing in this matter.

10. Any interested person shall have the opportunity to present testimony or comment on the proposed facility.

11. Prefiled testimony, if any, shall be filed within 60 days of the date of this Order.

12. Pursuant to KRS 100.324, a copy of this Order is being sent to the Clark County Planning Commission for the purpose of notification that the above-scheduled hearing may affect locations or relocations of service facilities within the planning unit's jurisdiction.

Done at Frankfort, Kentucky, this 9th day of November, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

November 5, 1999

Mr. Richard Guittar
1650 Lyndon Farms Ct.
Louisville, KY 40223

RE: Case Number 99-407 UAC

Dear Mr. Guittar:

I have enclosed a copy of protest and request to intervene by Tim Bankes for your information.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara
The Honorable David A. Pike
Steve Skinner

Enclosure



28 Oct 99

Helen Helton
Executive Director's Office
Public Service Commission
PO Box 615
Frankfort, KY 40602

RECEIVED

NOV - 2 1999

PUBLIC SERVICE
COMMISSION

RE: Case No. 99-407 UAC

Dear Ms. Helton,

I am very opposed and would like to intervene in the erection of a 400' tower being proposed for construction on property adjacent to my dwelling. I also was upset not to have been included on distribution of the 7 Oct 99 letter from Crown Communication announcing their intent to construct this tower.

I am opposed to construction of the tower at the proposed site since the landowner, Terry White, has at least 100 acres of farm land that could be used instead of situating in the corner of the farm next to the resident's houses. I am sure that another location on Mr. White's farm could be used that would have a lesser impact; i.e., being unsightly, devaluating our homes, and causing undue stress on the homeowners. There are several other farms that run alongside I-64 that could accommodate a tower of this size and not impact the community and destroy four individual family's life.

Additionally, there are five telecommunications towers already in our area which should be sufficient to handle our community's cellular needs and allow the phone companies to make their profits. The towers are located on 600 Little Stoner Road, 380 Maple Avenue, 5227 Lexington Road, Highway 11, and 249 Brentsville Road. There are a number of water towers that may be suitable to improve communications.

I would like to be notified of a public hearing on this issue and I am in the process of requesting permission to review the confidential information in Crown Castle case file. I would be interested in finding out if this was the only site selected and why it was selected. I can be reached at 606-745-1819.

Thank you,



Tim Banks
575 Wells Road
Mt. Sterling, KY 40353

CF: Crown Castle USA, Inc



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

November 1, 1999

To: All parties of record

RE: Case No. 99-407 UAC
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell
Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Lloyd D. McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway
Suite 330
Louisville, KY. 40299

Richard Guittar
1650 Lyndon Farms Court
Louisville, KY. 40223

Honorable Sam G. McNamara
Counsel for Westel-Milwaukee Company
McNamara & Jones
315 High Street
P. O. Box 916
Frankfort, KY. 40602

Honorable David A. Pike
Counsel for Crown Communication Inc.
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA. 30309

FOR THE PUBLIC RECORD

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED
OCT 08 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND KENTUCKY CGSA, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
6375 WADES MILL ROAD, WINCHESTER, KY 40391)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF CLARK)

CASE NO.: 99-407 UAC

FILED
OCT 08 1999
PUBLIC SERVICE
COMMISSION

SITE NAME: STONER CREEK
SITE NUMBER: KY259

Crown Communication Inc. and Kentucky CGSA, Inc., d/b/a BellSouth Mobility Inc.,
as a licensed public utility in the Commonwealth of Kentucky, make this application.

The property on which the WCF will be located is located at 6375 Wades Mill Road,
Winchester, Kentucky, 40391. The WCF site is geographically positioned at 38° 03' 12.51"
North latitude, 84° 03' 44.14" West longitude.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

October 28, 1999

Mr. Lloyd McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway, Suite 330
Louisville, KY 40299

RE: Case Number 99-407 UAC

Dear Mr. McCarthy:

I have enclosed a copy of protest and intent to intervene by Ms. Gail Wells-Ball for your information.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/lc

c: Mr. Richard Guittar
The Honorable Sam McNamara
The Honorable David A. Pike
Steve Skinner

Enclosure



295 Wells Road
Mt. Sterling, KY 40353
27 Oct 99

Helen Helton
Executive Director's Office
Public Service Commission
PO Box 615, Frankfort, KY 40602

RE: Case No. 99-407 UAC

Dear Ms. Helton,

I am opposed and would like to ~~intervene in the~~ erection of a 400' tower being proposed for construction on property adjacent to my dwelling. I would like to also request an extension based on me not receiving notice from Crown Castle International until 27 Oct 99 (postmarked 21 Oct).

I would like to also be present for the public hearing on this issue.

This tower, if constructed at this location, is a deterrent to housing developments proposed for this area, is unsightly and devalues my property since it is located directly behind my house, will be dangerous to the Mt. Sterling Airport traffic by being located in the flight path, and also is in a tornado path. I am sure another site could be selected for this development

I am in the process of requesting permission to review the Crown Castle case file and would appreciate being included on correspondence related to your review of this request. I can be personally be reached from 0700 - 1730 at Area Code 606-293-3710; my home telephone number is 606-744-4614.

Thank you for your cooperation.

Gail Wells Ball

GAIL WELLS-BALL

CF: Crown Castle USA INC

RECEIVED

OCT 28 1999

PUBLIC SERVICE
COMMISSION

295 Wells Road
Mt. Sterling, KY 40353
27 Oct 99

Lloyd McCarthy
Crown Castle USA Inc.
11001 Bluegrass Parkway, Suite 330
Louisville, KY 40299

RECEIVED

OCT 28 1999

PUBLIC SERVICE
COMMISSION

RE: Case No. 99-407 UAC

Dear Mr. McCarthy,

Request permission to review case file #99-407 UAC, Site No KY 259, Stoner Creek.

I am opposed to the construction of this tower at this location. I can be reached at work #606-293-3710;
home 606-744-5530.

Gail Wells-Ball
GAIL WELLS-BALL

*Called
Oct 28, 99
TW*

✓ CF: Helen Helton, PSC, Frankfort, KY



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 13, 1999

To: All parties of record

RE: Case No. 99-407 UAC
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC
(Construct) CELL SITE - 6375 WADES MILL ROAD - WINCHESTER

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received October 8, 1999 and has been assigned Case No. 99-407. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

Lloyd D. McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway
Suite 330
Louisville, KY. 40299

Richard Guittar
1650 Lyndon Farms Court
Louisville, KY. 40223

Honorable Sam G. McNamara
Counsel for Westel-Milwaukee Company
McNamara & Jones
315 High Street
P. O. Box 916
Frankfort, KY. 40602

Honorable David A. Pike
Counsel for Crown Communication Inc.
Pike Legal Group
200 S. Buckman Street
P. O. Box 369
Shepherdsville , KY. 40165 0369

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA. 30309

FOR THE PUBLIC RECORD

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED
OCT 08 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.)
AND KENTUCKY CGSA, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
6375 WADES MILL ROAD, WINCHESTER, KY 40391)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF CLARK)

CASE NO.: 99-407 UAC

FILED
OCT 08 1999
PUBLIC SERVICE
COMMISSION

SITE NAME: STONER CREEK
SITE NUMBER: KY259

Crown Communication Inc. and Kentucky CGSA, Inc., d/b/a BellSouth Mobility Inc.,
as a licensed public utility in the Commonwealth of Kentucky, make this application.

The property on which the WCF will be located is located at 6375 Wades Mill Road,
Winchester, Kentucky, 40391. The WCF site is geographically positioned at 38° 03' 12.51"
North latitude, 84° 03' 44.14" West longitude.

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

CASE NO. 99-407

FILED

FEB 23 2000

PUBLIC SERVICE
COMMISSION

RE: UAC KENTUCKY CGSA, INC., dba BELLSOUTH MOBILITY

Pursuant to notice duly given, the above-styled matter came to be heard February 9, 2000, at 9:00 a.m. in Hearing Room Number One of the Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; The Honorable Paul Shapiro presiding.

COPY

VIVIAN A. LEWIS
COURT REPORTER - PUBLIC STENOGRAPHER
101 COUNTRY LANE
FRANKFORT, KENTUCKY 40601
(502) 695-1373

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

CASE NO. 99-407

RE: UAC KENTUCKY CGSA, INC., dba BELLSOUTH MOBILITY

APPEARANCES:

Hon. Paul Shapiro
Hearing Officer
PUBLIC SERVICE COMMISSION

Hon. Amy Dougherty
Legal Counsel
PUBLIC SERVICE COMMISSION

Hon. David A. Pike
Pike Legal Group
200 South Buckman Street
P. O. Box 369
Shepherdsville, Kentucky 40165-0369
Legal Counsel
CROWN COMMUNICATIONS, INC.
BELLSOUTH MOBILITY

HEARING OFFICER SHAPIRO:

This is a hearing before the Kentucky Public Service Commission in the matter of the application of Crown Communications, Inc., and Kentucky CGSA, Inc., to construct a wireless communications facility, it's Case Number 99-407. The hearing is being convened pursuant to an Order of the Commission issued on November 9th, 1999. Is the applicant present and ready to proceed?

MR. PIKE:

Yes, Mr. Chairman. David Pike, I'm regional counsel for Crown Communication, Inc., and I'm here also to present evidence on behalf of BellSouth Mobility at this hearing.

HEARING OFFICER SHAPIRO:

BellSouth Mobility is the same as Kentucky CGSA, Inc., is that right?

MR. PIKE:

Yes, Your Honor.

HEARING OFFICER SHAPIRO:

Okay. This hearing was ordered to begin at 9:00 a.m. this morning, it is now 11:00 a.m. We have deferred starting the meeting until--to give the intervenors who are--afford them an opportunity to

appear and they have not yet appeared. We have received no communication from them as to whether or not they intend to appear, other than their initial request for a hearing. As I pointed out earlier, the Order was issued on November 9th and the Order specifically states that the hearing will be held at this time and gives the location of the hearing site. According to the Commission records the intervenors were served with a copy of the Order. Let me ask you, Mr. Pike, is there anything you wish to present at this time?

MR. PIKE:

No, Your Honor. Based on the terms of that Order which was entered November 9, 1999, the one that you have previously been referring to and the specific language in it indicating that absent a failure of intent to appear at the hearing and to present evidence against the proposed facility that the hearing will be canceled and this matter submitted to the Commission for decision based on the written record without further orders of court. I would formally move at this time that the matter be submitted for decision based upon the written record as it currently exists,

including all filings made up to and including today.

HEARING OFFICER SHAPIRO:

We'll sustain the motion and there being nothing further then, this hearing is adjourned.

MR. PIKE:

Thank you, Your Honor.

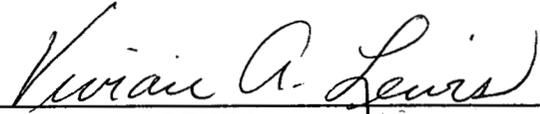
(OFF THE RECORD)

CERTIFICATE

STATE OF KENTUCKY)
COUNTY OF FRANKLIN)

I, VIVIAN A. LEWIS, a Notary Public in and for the state and county aforesaid, do hereby certify that the foregoing testimony was taken by me at the time and place and for the purpose previously stated in the caption; that said hearing was first taken down in shorthand by me and later transcribed, under my direction, and that the foregoing is, to the best of my ability, a true, correct and complete record of the proceedings in the above styled cause of action.

WITNESS my hand and seal of office at Frankfort, Kentucky, on this the 11th day of February, 2000.


VIVIAN A. LEWIS
Notary Public
Kentucky State-at-Large

My commission expires: 7-23-01

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

CASE NO. 99-407

FILED

FEB 23 2000

**PUBLIC SERVICE
COMMISSION**

RE: UAC KENTUCKY CGSA, INC., dba BELLSOUTH MOBILITY

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VIVIAN A. LEWIS
COURT REPORTER - PUBLIC STENOGRAPHER
101 COUNTRY LANE
FRANKFORT, KENTUCKY 40601
(502) 695-1373

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

CASE NO. 99-407

RE: UAC KENTUCKY CGSA, INC., dba BELLSOUTH MOBILITY

APPEARANCES:

Hon. Paul Shapiro
Hearing Officer
PUBLIC SERVICE COMMISSION

Hon. Amy Dougherty
Legal Counsel
PUBLIC SERVICE COMMISSION

Hon. David A. Pike
Pike Legal Group
200 South Buckman Street
P. O. Box 369
Shepherdsville, Kentucky 40165-0369
Legal Counsel
CROWN COMMUNICATIONS, INC.
BELLSOUTH MOBILITY

HEARING OFFICER SHAPIRO:

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MR. PIKE:

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including all filings made up to and including today.

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MR. PIKE:

Thank you, Your Honor.

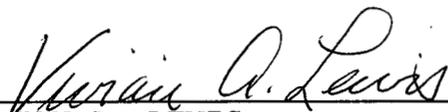
(OFF THE RECORD)

CERTIFICATE

STATE OF KENTUCKY)
COUNTY OF FRANKLIN)

I, VIVIAN A. LEWIS, a Notary Public in and for the state and county aforesaid, do hereby certify that the foregoing testimony was taken by me at the time and place and for the purpose previously stated in the caption; that said hearing was first taken down in shorthand by me and later transcribed, under my direction, and that the foregoing is, to the best of my ability, a true, correct and complete record of the proceedings in the above styled cause of action.

WITNESS my hand and seal of office at Frankfort, Kentucky, on this the 11th day of February, 2000.



VIVIAN A. LEWIS
Notary Public
Kentucky State-at-Large

My commission expires: 7-23-01